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March 10, 2020

Commissioner Betsy Jividen
Sent via email to betsy.jividen@wv.gov

Re: COVID-19 Plans

Dear Commissioner Jividen:

I am writing to request copies of any plans the Division of Corrections and Rehabilitation has put in place to protect incarcerated individuals in the facilities under the Division's control from COVID-19. In the event no plans have formally been put in place, our organization urges you to immediately develop evidence-based and proactive plans for the prevention and management of COVID-19. We would like to meet with you ASAP to discuss how you are protecting the health of the people in your custody and the people who work in jails and prisons.

As you know, those that are incarcerated are highly vulnerable to outbreaks of contagious illnesses. They are housed in close quarters and are often in poor health. Without the active engagement of the administration, they have little ability to inform themselves about preventive measures, or to take such measures if they do manage to learn of them.

This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

Some of the critical issues that must be addressed are:

- **Education of the people in your custody:** Those that are incarcerated need to be informed about the virus and the measures they can take to minimize their risk of contracting or spreading the virus. They must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science.
- **Education of the staff:** Correctional, administrative, and medical staff all must be educated about the virus to protect themselves and their families, as well as the people in their custody.
- **Staffing plans:** Regardless of how many staff stay home because they are sick, prisons and jails will have to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff are out with the virus.
- **Staffing plans for services provided by those incarcerated:** Many tasks, such as food preparation and basic sanitation, are performed by incarcerated individuals. The plans for an outbreak must also address how necessary tasks performed by those individuals will continue if large numbers of the incarcerated population are ill.

- **Provision of hygiene supplies:** The most basic aspect of infection control is hygiene. There must be ready access to warm water and adequate hygiene supplies, both for handwashing and for cleaning.
- **Screening and testing of the people in your custody:** The plan must include guidance, based on the best science available, on how and when to screen and test people in your facilities for the virus.
- **Housing of persons exposed to the virus:** The plan must describe how and where people in the system will be housed if they are exposed to the virus, are at high risk of serious illness if they become infected, or become sick with it. *This should not result in prolonged, widespread lock-downs.* Any lock-downs or interruptions in regular activities, such as exercise or visits and phone calls with families or attorneys, should be based solely on the best science available and should be as limited as possible in scope and duration.
- **Treatment:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Vulnerable Populations:** The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant women and people with chronic illnesses, compromised immune systems, or disabilities, and people whose housing placements restrict their access to medical care and limit the staff's ability to observe them.
- **Data collection:** The collection of data regarding COVID-19 will be part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. The system must be part of this process. The same information that is tracked in the community must be tracked in our jails and prisons.

Please let us know when you will be available to discuss your plans.

Sincerely,



Loree Stark
Legal Director
ACLU-WV